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10/697,307

10/31/2003

Naruhide Kitada

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09/01/2005

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EXAMINER

KOVAL, MELISSA J

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/697,307

Applicant(s)

KITADA ET AL.

Examiner

Melissa J. Koval

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/05 &amp; 10/03</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Species I in the reply filed on June 29, 2005 is acknowledged. The traversal is on the ground(s) that "the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application would be made without serious burden." The MPEP is referenced, however, no further reasons nor arguments are presented. This is not found persuasive because applicant has selected Figure 5 to represent Species I, and then points to Figure 5 as a representation of the invention of said Species. Figure 5 is essentially a flowchart that outlines the process of a computer program. However, Figures 1 through 4, for example, show apparatus. Applicant suggests that all claims 1-29 read on Species I as embodied by Figure 5. The Examiner disagrees and believes that only claims 24 through 29 drawn to a monitor method or monitor program read on Species I.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species. Applicant timely traversed the restriction (election) requirement in the reply filed on June 29, 2005.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24 through 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Song et al. U.S. Patent 6,836,298 B2.

With respect to claims 24 through 29 see Figures 5A and 5B of '298 B2, for example. A detailed description of what is outlined in the flowcharts can be found beginning with column 5, lines 58 through 67, columns 6 through 9 in their entirety, and wrapping up with column 10, lines 1 through 51.

Claim 24 sets forth: "A monitor program for a projection apparatus, the program monitoring a projection apparatus having a projection section for projecting an image, the projector comprising (See Figures 5a, for example, wherein the correction of keystone distortion or "error" is described.):

allowing a computer to execute a process of loading an actual projected image projected by said projection section (See column 4, lines 54 through 59, and column 5, lines 1 through 57.) and detecting an error in said projection on the basis of the loaded projected image (See column 6, lines 12 through 21, for example.). A similar process for the correction of pincushion distortion or "error" is described with respect to Figure 5.

Claim 25, 27 and 28 are rejected for the same reasons already applied in the rejection of claim 24.

The limitations of claim 26 are also met by the above arguments. Furthermore, with respect to the following step set forth in claim 26: "said detection result providing section saves the error detection result obtained by said error detection section and provides said saved error detection result to said monitor center when said monitor center accesses said projection apparatus." See steps S5 through S10 of Figure 5A and steps S16 through S22 of Figure 5B.

Claim 29 is rejected for the same reasons already applied to claim 26.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ioka U.S. Patent Application Publication US 2002/0041364 A1 teaches an image projection and display device.

Sakakibara et al. U.S. Patent Application Publication US 2002/0038462 A1 teaches a projection system and projection method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

A handwritten signature in black ink, appearing to read "Malisa Jan Koval". The signature is written in a cursive, stylized font and is positioned diagonally across the lower right portion of the page.